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RUEAIIA/CIA WASHINGTON DC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUCNFB/FBI WASHINGTON DC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
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SUBJECT: CRIMINAL DEPORTEES: DOMINICAN OFFICIALS AND
ANALYSTS DON'T BLAME THE UNITED STATES

1. Dominican PermRep to the UN Erasmo Lara-Pena has been energetically promoting the idea of a program of social services and support for Dominicans who are deported from the United States after serving time in U.S. jails. He published a lengthy proposal in daily "Hoy" on March 11. On March 24 President Fernandez's foundation FUNGLODE organized a full-day high-level seminar on forced repatriations, at which the focus was not U.S. migration policy or deportations but rather the social stigma and lack of services for Dominican ex-convicts finding themselves abruptly in their country of origin. Presenters concluded without exception that Dominican criminal deportees posed little danger to Dominican society.

2. The event was conspicuously blue-ribbon, including Lara-Pena, Dominican ambassador to the United States Flavio Dario Espinal, Deputy FM Alejandra Liriano, and Deputy Attorney General Frank Soto. Various discussants called for a campaign to alert Dominicans in the United States of the advantages of U.S. naturalization, suggested a strategic alliance with the Dominican diaspora in the United States, and even imagined a deal in which Dominican authorities could incarcerate U.S.-convicted Dominicans here at lower cost to the U.S. federal and state authorities.

3. FUNGLODE General Director Federic Emam-Zade opened the sessions by emphasizing that the issue of rising crime rates was regional, affecting not only the Dominican Republic, but also Puerto Rico and the whole of Central America. He characterized the repatriated as largely macro-criminal convicts with little hope of full social reintegration because of discrimination and the stigma associated with deportee status. He said that approximately 5,500 Dominicans were currently incarcerated in the United States.

4. FUNGLODE Projects Director Maria Elizabeth Rodriguez said a principal focus of the Fernandez administration is to establish a strategic alliance with the Dominican diaspora. Noting the already close ties between Dominicans in the

United States and those still in the Dominican Republic, Rodriguez asked rhetorically, "Shouldn't give our brothers a second opportunity?"

15. The spokesman from a newly established non-governmental organization, "Bienvenido Seas" ("Welcome, Friend"), said that as a deportee from the United States, he bore no ill will either toward the U.S. government or toward the people of the United States. "What is critical," he clared, "is the just, constitutional principle that no one should be judged twice for the same crime. These individuals have paid their debt, and they need a structure upon their return." He suggested job programs or halfway houses and said that

deportees often have received training while in U.S. custody, both vocational and English language classes.

16. Dominican Ambassador to the United States Flavio Dario Espinal, a former university law school dean, was more cautious, noting that it is not clear if crime rates are related to returning deportees. He said that approximately two-thirds of Dominican deportees had been convicts and said that it was in the interest of both governments to understand the frequency of criminal activity. He encorsed U.S.-Dominican law enforcement cooperation and stressed that issues surrounding deportees are complex and not easily resolved. Espinal said that for the five fears ending in 2005, the Dominican Republic received the fourth highest number of deportees (20,000), behind Hondouras (37,000), Guatemala (35,000), and El Salvador (30,000). (He left out entirely Mexico, the leader by far.)

17. Former Fulbright scholar Nina Siulc (author of "Unwelcome Citixens: The Deporation of Dominicans with Criminal

Convictions") said Dominicans in the United States were victims of a particularly punitive judicial system. U.S. per capita incarceration statistics are the highest in the world, she commented, and for narcotics offenses African-Americans and Latinos are disproportionately represented, particularly the poorest and least-educated. Her close study of approximately 500 Dominican deportees suggested to Siulc noted that the majority are not career criminals, but rather drug offenders usually convicted for possession and sale, then deported after their first conviction. The majority had grown up in the United States and identified more closely identify with U.S. culture and society than with the Dominican Republic. They took advantage of the perceived liberty of conduct in the country, and the majority had no idea that their criminal activity could result in deportation. Siulc said that the deportation issue was particularly difficult for former Legal Permanent Residents (LPRs). She said that compared with other immigrant groups, few Dominicans seek naturalization as the alternative to LPR status. When deportees arrive in the Dominican Republic they are seen as "bastard children," without access to rights or even police protection. Because of their identification with the United States and their rejection here, approximately one-third will seek to re-enter the United States illegally. (Embassy brought Siulc together with leading journalists later that afternoon, resulting in the apprearance in local papers of several well-informed commentaries on the situation of deportees, emphasizing that they played little role in Dominican domestic crime.)

18. Other commentators were variously helpful, hopeful, or irrelevant. Santo Domingo District Attorney Jose Manuel Hernandez asserted that criminal defendants in the United States are commonly refused attorneys. Given the questions about those individuals, Hernandez supported reintegration but called at the same time for a new program authorizing possible preventative detention, intensive investigation, and supervision of deportees. He suggested a bilateral agreement whereby the Dominicans might agree to incarcerate their own nationals, as a service to the high-cost U.S. prison system, in return for payment.

¶9. Deputy Attorney General Frank Soto emphatically denied that deportees were a factor in the complex phenomenon of crime, which he finds more linked with the development of narcotics trafficking. The National Police representative acknowledged a complete absence of police records of returnees prior to 1995 and an inoperative fingerprint system, incapable of tracking the criminal activities of recent returnees. He said that the police do follow the fortunes of returnees, and that those who complete a six-month follow-up without recidivism can obtain the police "certificate of good conduct" required by prospective employers. In one dramatic moment in mid-morning a deportee took the floor: "I won a silver medal in sports competitions in Mexico; but because I was deported from the United States in 1995, no one will employ me. I am left idle, to live from the earnings of my wife and children. Can't anyone offer me a job?" An embarrassed silence followed.

¶10. Hector Cheisa, Director of Prisons for the State of New York described vocational programs for convicted criminals, including those eventually to be deported, to provide them employment skills for use upon their release or transfer. Cheisa noted New York State programs for drug and alcohol treatment as examples of programming to challenge the root causes of delinquency. He responded to complaints from Dominican consulate personnel about access by explaining that after finishing sentences in the state system, deportees are usually moved away from New York to Federal holding centers elsewhere. New York Consulate representative Francisco Fernandez suggested that the deportees, English-language skills might offer them eventual employment as English teachers.

¶11. Embassy economic and political counselor outlined U.S. migration policies, the system of administrative law that rules on deportations, and offered statistics on Dominican cases considered, in comparison to those of other nationalities. He noted that in 2005, when just over 2,000 Dominicans were forcibly repatriated, the U.S. consulate processed about 22,000 immigrant visas and 60,000 new non-immigrant visas.

Comment.

¶12. The Dominican public is convinced that crime has been rising dramatically over the last year or more, a perception that is fed more by newspaper sensationalism and political posturing than fact. The confused debate over the effects of the 2004 change in the Criminal Procedures Code illustrates the extent of misunderstanding, as does the yearning for a "hard hand" ("mano dura") against crime. Last year the Fernandez administration put additional police resources into the "Safe Community" initiative in the tough Capotillo neighborhood of the capital, and last week the President inaugurated a similar initiative in an area of Santiago, the country's second city. In these circumstances, Amb. Lara's initiative, handsomely supported by FUNGLODE and well attended by officials, has for the moment succeeded in lifting from that debate the small population of repatriated convicts. It was a useful step in reminding observers of the administration's orientation toward social issues.

¶13. Dominicans in this seminar did not take the pugnacious, complaining attitude on repatriations typical to the Caricom states. Their comments implied that they continued to regard the United States as a venue of opportunity for Dominican migrants and they recognized that U.S. administrative and judicial procedures are far from arbitrary. With their own insistence on the government's right to enforce migration laws against Haitian illegals, the Dominican authorities would gain nothing from questioning U.S. enforcement. Perhaps even more interesting is the fact that at no point during this seminar did any Dominicans mention the legislation on migration currently under examination in the U.S. Congress, demonstrations in the United States, or lobbying efforts by Latin American governments, including their own. The focus remained throughout on Dominicans returned to the home country because of their infringement of laws abroad.

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